

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EDDIE BAEZ FLORES
GLADYS ALGARIN RAMIREZ

DEBTORS

CASE NO 13-03880 MCF

CHAPTER 13

**DEBTORS' REPLY TO TRUSTEE'S REQUEST ENTRY OF ORDER
DOCKET NO. 49**

TO THE HONORABLE COURT:

COME NOW, EDDIE BAEZ FLORES and GLADYS ALGARIN RAMIREZ, the Debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. The Chapter 13 Trustee filed a Trustee's Request Entry of Order, Docket no. 49, requesting that this Honorable Couer issue an Order to the Debtors to "... tender to the Trustee the tax refund as per the terms of the Confirmed plan." *Trustee's Request Entry of Order*, at paragraphs 2 and 3, Docket no. 49.

2. In reply to the Trustee's motion for entry of Order the Debtors respectfully state that on this same date, December 12, 2017 the Debtors are sending to the Trustee (uploaded to Trustee's system) a copy of the Debtors' 2014, 2015 and 2016 tax returns.

3. That pursuant to the abovementioned tax returns the Debtors did receive tax refunds during the life of the Plan as follows:

---2014: a tax refund in the sum of \$897.00;

---2015: a tax refund in the sum of \$535.00;

---2016: a tax refund in the sum of \$ 00.00 (-\$264.00).

TOTAL sum from refunds received during life of Plan: \$1,432.00

3. The Debtors respectfully state that they did request the Court's authorization to allow the use of a previous tax refund, however, the Debtors forgot to request this Court's authorization for the use of the 2014 and 2015 tax refunds.

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4. That the Debtors used the 2015 tax refund for a purchase of an electric stove. Attached is copy Treasury's refund check dated 07/08/2016 and copy of stove invoice (Empresas Berrios) dated 07/16/2016.

5. That Debtors respectfully submit that they are fully aware of their obligation to request Court authorization prior use of funds from their tax refunds and that the Debtors' failure to request said prior authorization was an involuntary omission and not a willful violation of this Court's Orders.

6. The Debtors are up-to-date in the confirmed Plan payments to the Chapter 13 Trustee.

7. That due to the passage of hurricane Maria through Puerto Rico the Debtors have incurred in extraordinary expenses to cover additional out-of-home food expenses and additional gasoline expenses, thus the Debtors are in a very tight budget and are unable to pay to the Trustee the total sum from tax refunds received during the life of the Plan (\$1,432.00).

8. The Debtors respectfully request that they be allowed to pay to the Trustee the sum of \$716.00 or $\frac{1}{2}$ of the total amount of \$1,432.00 which is the sum received as tax refunds during the life of the Plan. The Debtors propose to pay said sum of \$716.00 in additional monthly payments to the confirmed Plan in the sum of \$119.34 for the next six (6) months ($\$119.34 \times 6 = \716.04), until Plan completion.

WHEREFORE, based on the above stated, the Debtors respectfully pray that Trustee's motion requesting entry of Order, Docket No. 49, be denied.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee Jose Ramon Carrion Morales, Esq.; and also certify that I have mailed by United States Postal Service copy of this motion to the following non-participants: the Debtors, Eddie Baez Flores and Gladys Algarin Ramirez, Villa Maria H 1 5th Street Caguas PR 00725, in the above captioned case.

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RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 12th day of
December, 2017.

/s/ Roberto Figueroa Carrasquillo
USDC #203614
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☐ THIRD PARTY

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787-746-0132



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QUINIENTOS TREINTA Y CINCO DOLARES CON NO/100

IMPORTE
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EDDIE BAEZ FLORES

 **BANCO
POPULAR.**


SECRETARIO DE HACIENDA

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